IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1186 OF 2005

Shri.Anil Rudraiya and
Ors. ..Petitioners

Vs.

State of Maharashtra & Ors. ...Respondents

....

Mr.Chetan Akerkar Advocate for Petitioners
Mr.D.P.Adsule, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 13, 2005

P.C.

1. Heard the learned advocate for the petitioners and learned A.P.P. for the State.

2. The petitioners are seeking quashing of proceedings relating to C.C.No.58/P/1996 which is pertaining to C.R.No. 487 of 1995 of D.N.Nagar Police Station which was pending before the learned Metropolitan Magistrate, 10th Court, Mumbai which

is now pending before the Railway Mobile Court, Andheri, Mumbai. The said case is under Sections 448, 454 and 457 read with Section 34 of IPC. The petitioners are accused therein. The original complainant i.e. Respondent no.2 Shri.Raghunath V.Shidore is present before the Court. As far as witness Malti Shidore is concerned, her legal representatives are brought on record i.e. respondent no.3 Smt. Snehlata S.Gangurde and respondent no.4 Smt.Surekha D.Barwe. Respondent no.2 is the brother of respondent nos.3 and 4 and he is also representing respondent nos.3 and 4. Shri.Raghunath has stated that he does not wish to prosecute the case against the accused so also the other respondents do not wish to continue the proceedings.

3. In view of the fact that the parties have settled the disputes, in my view, no purpose would be served by continuing with the proceedings relating to C.C. No.58/P/1996 as the complainant does not wish to pursue the matter any further. Hence, in view of the decision of the Supreme Court in the case of **B.S.Joshi and another Vs. State of**

Haryana and another reported in Judgment Today 2003(3) S.C. 277, the proceedings pertaining to C.C.No.58/P/1996 pending before the Railway Mobile Court, Andheri, Mumbai, are quashed and set aside.

4. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J]